

REMARKS

I. Formal Matters.

Claims 1-11 are currently pending in this application. As a preliminary matter, Applicant appreciates the Examiner's indication that the arguments presented in the response filed on November 24, 2004, overcome the previous rejections of claims 1-11 under 35 U.S.C. §§102(b) and 102(e).

II. Claims.

The Examiner rejects claims 1-11 on new grounds.

Independent claims 1 and 10, 5 and 11, and 8 are herein amended to require embedded Bluetooth function, previously disclosed in the preamble of claims 1 and 5 and in the specification at page 3, line 18 to page 4, line 18. Specifically, claim amendments require a server with an embedded Bluetooth function in claims 1 and 10, and a terminal with an embedded Bluetooth function in claims 5 and 11, and both a Bluetooth embedded terminal and a Bluetooth embedded server in claim 8.

The Examiner rejects claims 1-3 as allegedly being unpatentable over *Sprague, et al.* (U.S. Patent No. 5,247,575) in view of *Chen* (U.S. Patent No. 5,978,775) under 35 U.S.C. §103(a).

Claim 1. With respect to independent claim 1, the Examiner asserts that *Sprague* discloses a Bluetooth embedded server in Fig. 1 (OA page 4). Fig. 1 shows a functional block

diagram of a broadcast information monitoring and retrieval system in accordance with one preferred embodiment of the present invention (col. 8, lines 30-33). *Sprague* teaches satellite communication, data being transmitted directly to customers who can receive satellite communications, or data being transmitted to local and FM and TV stations (*Sprague* col. 9, lines 17-21 and 32-36; FIG. 1). *Sprague* fails to disclose short range Bluetooth communication. *Sprague* fails to teach or suggest an embedded Bluetooth function in a server (*Sprague* Fig. 1; text at large).

In contrast, claim 1 requires, “. . . preparing a database which stores data to be transmitted from a Bluetooth embedded server to the terminal, the data being classified into a plurality of items . . .” One ordinarily skilled in the art would readily recognize the patentable distinguishing difference between satellite and FM communications as compared to short range Bluetooth communication¹.

Secondary reference *Chen* also fails to teach Bluetooth communication. Neither alone nor in combination do *Sprague* and *Chen* teach or suggest the element of “. . . preparing a database which stores data to be transmitted from a Bluetooth embedded server to the terminal . . .”. Therefore, the rejection of claim 1, as being unpatentable over *Sprague* in view of *Chen* under 35 U.S.C. §103(a), should be withdrawn.

Claims 2 and 3 are asserted as being in condition for allowance at least by virtue of their dependency from an allowable claim.

¹ <http://cse.spsu.edu/pbobbie/SharedFile/NewPdfs/FinalCIITConfPaper1.pdf>

The Examiner rejects claim 4 as allegedly being unpatentable over *Sprague* under 35 U.S.C. §103(a) in view of *Chen* as applied to claim 1 above, and further in view of *Boesjes* (U.S. Patent No. 6,799,165).

Claim 4 is asserted as being in condition for allowance at least for depending from an allowable claim.

The Examiner rejects claims 5 and 6 as allegedly being unpatentable over *Chen* under 35 U.S.C. §103(a) in view of *Treyz* (U.S. Patent No. 6,587,835).

Claim 5. The Examiner acknowledges that *Chen* teaches the control method performed at customer terminal for mutual wireline transmission (OA pages 6-7).

In contrast, claim 5 requires, “. . . receiving an item selecting program from the server by a Bluetooth embedded terminal . . .”.

Therein, the Examiner relies on *Treyz* to teach short range Bluetooth communications (OA page 7). The Examiner specifically cites to *Treyz* at col. 13 lines 22-38. *Treyz* teaches a system to obtain information on and purchase goods from a store using a remote handheld device (abstract). *Treyz* discloses Bluetooth communication (col. 13 lines 22-38). More specifically, *Treyz* teaches a handheld computing device may include accessories or expansion components (col. 15 lines 36-38). “If desired, a Bluetooth module or other wireless communication circuitry may be added as an accessory or as an expansion module.” (col. 15 lines 49-51).

Applicant asserts that one ordinarily skilled in the art would readily recognize the differences between embedded Bluetooth and Bluetooth capability by an expansion module.

Embedded systems generally use microcontrollers that contain many functions of a computer on a single device.² Embedded components³ are routinely identified separately from expansion modules⁴ by those ordinarily skilled in the art. *Chen* and *Treyz*, alone or in combination, fail to teach or suggest the element of, “. . . receiving an item selecting program from the server by a Bluetooth embedded terminal . . .”. Therefore, at least for failing to teach or suggest receiving an item selecting program from the server by a Bluetooth embedded terminal, the rejection of claim 5 as being unpatentable over *Chen* under 35 U.S.C. §103(a) in view of *Treyz*, should be withdrawn.

Claim 6 is asserted as being in condition for allowance at least for depending from an allowable claim.

The Examiner rejects claim 7 as allegedly being unpatentable over *Chen* under 35 U.S.C. §103(a) in view of by *Treyz, et al.* (U.S. Patent No. 6,587,835) and further in view of *Boesjes* (U.S. Patent No. 6,799,165).

Claim 7 is asserted as being in condition for allowance at least by virtue of its dependence upon an allowable claim.

² <http://www.tech-encyclopedia.com/embedded-system.htm>

³ ETX-PM: 18008-0000-11-0: ETX-PM with Intel® Pentium® M Processor - A new dimension in embedded computing has arrived at <http://www.tri-m.com/products/esm.html>

⁴ DIMM-PC/EXPANSION: DIMM-PC/Expansion Modules at <http://www.tri-m.com/products/esm.html>

The Examiner rejects claims 8 and 9 as allegedly being unpatentable over *Chen* under 35 U.S.C. §103(a) in view of *Boesjes*.

Claim 8. The Examiner acknowledges that *Chen* fails to teach wireless transmission and therein relies on *Boesjes* to teach or suggest this element. The Examiner specifically cites to *Boesjes* at col. 6, lines 20-34 to provide, wireless transmission (OA pages 8-9). *Boesjes* suggests a multitude of connections to include a cable, an intranet, an extranet, direct linkage of a plurality of computers, and a wireless link.

Claim 8 requires, “a Bluetooth embedded server for wirelessly transmitting both of an item selecting program” Neither *Chen* nor *Boesjes*, alone or in combination, teach or suggest a Bluetooth embedded server for wirelessly transmitting an item selecting program. At least for failing to teach or suggest a Bluetooth embedded server for wirelessly transmitting an item selecting program, the rejection of claim 8 as unpatentable *Chen* under 35 U.S.C. §103(a) in view of *Boesjes*, should be withdrawn.

Claim 8 requires analogous subject matter as that discussed in the traversal of the rejection of claim 5 above, namely embedded Bluetooth function. Because the Examiner relied on *Treyz* to disclose the analogous subject matter in claim 5, the Applicant asserts an analogous argument for the patentability of claim 8 in view of *Treyz*.

Claim 9 is asserted as being allowable at least by virtue of its dependency from an allowable claim.

The Examiner rejects claims 10 and 11 as allegedly being anticipated by *Treyz, et al.* (U.S. Patent No. 6,587,835) under 35 U.S.C. §102(e).

Claims 10 and 11. *Treyz* discloses an example of a Bluetooth local data communications between handheld computing device 12 and a wireless transmitter/receiver associated with a store, and other establishments (*Treyz* col. 13, lines 25-35; col. 30, lines 11-22). In addition, *Treyz* discloses a communications I/O and an IR port with an IR transmitter/receiver as components of a handheld computing device (*Treyz* col. 15, lines 17, 26-27 and 49-50), and a Bluetooth expansion module (col. 15, lines 49-50).

In contrast, claims 10 and 11 require, “an embedded Bluetooth function, including a Bluetooth data transception processing portion for wirelessly transmitting data to a terminal” Claims 10 and 11 require analogous subject matter as that asserted in the traversal of the rejection of claim 5, wherein the Examiner also applied *Treyz* to teach the analogous subject matter (OA page 7). In turn, Applicant asserts an argument analogous to that presented above in the traversal of claim 5 to traverse the rejection of claims 10 and 11. Therefore, at least for failing to disclose an embedded Bluetooth function, including a Bluetooth data transception processing portion for wirelessly transmitting data to a terminal, the rejection of claims 10 and 11 as being anticipated by *Treyz* under 35 U.S.C. §102(e), should be withdrawn.

In summary, neither alone nor in combination do *Treyz, Chen, Sprague* and *Boesjes* disclose an embedded Bluetooth function in a server, terminal or handheld device. In turn, each independent claim is asserted as being patentable in view of the above references, at least for the failure of said references to disclose, teach or suggest an embedded Bluetooth function.

AMENDMENT UNDER 37 C.F.R. §1.111
U.S. SERIAL NO. 09/973,0446

ART UNIT 2643
Q65216

In view of the preceding amendments and remarks, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue that the Examiner feels may be best resolved through a personal or telephonic interview, the Examiner is kindly requested to contact the undersigned at the local telephone number listed below.

The USPTO is directed and authorized to charge all required fees (except the Issue/Publication Fees) to our Deposit Account No. 19-4880. Please also credit any over-payments to said Deposit Account.

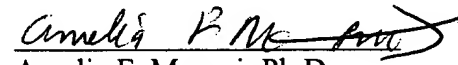
Respectfully submitted,

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER


Amelia F. Morani, Ph.D.
Registration No. 52,049

Date: July 14, 2005